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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1289th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 25 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth periodic report of Kyrgyzstan (CEDAW/C/KGZ/4, CEDAW/C/KGZ/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*

2. **Mr. Kuikeev** (Kyrgyzstan), introducing the fourth periodic report of Kyrgyzstan (CEDAW/C/KGZ/4), said it had been drafted in a thorough consultative process with input from relevant government ministries and NGOs, and taking into consideration the recommendations of United Nations bodies. The report had been disseminated among all relevant government bodies at the national and municipal levels, and to partners in international organizations and civil society.

3. Gender mainstreaming in sectoral legislation was provided for by law, and gender-sensitive amendments and additions had been made to the Criminal Code to ensure that crimes against women could be addressed effectively. A national strategy had been adopted for achieving gender equality by 2020, which set out the priorities for the development of women's role in the economy, the education of girls and women, access to justice and political equality. The strategy aimed to help all women, including women from minority groups, to realize their full potential. The National Action Plan for Gender Equality 2012–2014 had been based on specific targets and indicators and was subject to regular monitoring, through the evaluation of gender-disaggregated statistics.

4. In order to strengthen the role of women in peacekeeping and security, a national plan of action had been established for the implementation of United Nations Security Council resolution 1325. The Government attached particular importance to overcoming gender-based violence. Training for law enforcement officers and members of the judiciary included awareness-raising on gender sensitivity; gender sensitivity assessments of work in ministries had also been carried out.

5. In response to recommendations made in 2009, by the Special Rapporteur on violence against women, its causes and consequences, penalties for violence against women had been increased. Forced marriage and polygamy were recognized as criminal acts. The Criminal Code contained a specific provision on abduction of women to force them into marriage, for which the penalty had been increased to imprisonment for up to 7 years, or 10 years if the victim was a minor. Centres for the prevention of family violence had been set up, in a collaborative effort between the Government and civil society organizations, to provide support for families in need. Financial support had been secured from the United Nations Trust Fund to End Violence against Women for the implementation of measures to address family violence. The Ministry of Health was collecting data on domestic violence, since the health service was one of the first ports of call for victims. A clinical protocol on providing medical assistance to victims of sexual violence had been adopted, and training was provided for medical staff.

6. During the reporting period progress had been made in increasing women's participation in public life, and in particular in senior positions in the executive and the judiciary. Quotas for the number of women on electoral lists had also been introduced. Unfortunately, severely limited financial resources had hampered the Government's efforts, and many planned gender equality-related activities had not been carried out. Efforts were being made to garner voluntary funding for those activities, to permit the full implementation of the gender equality policy.

7. During drafting of the report, it had proved difficult to access women in rural areas to assess their situation, and statistical data on rural women was lacking. The national statistics committee therefore intended to prepare a rural census, with gender-disaggregated indicators on access to land and resources, age and education, and the occupation of each member of every household. That census would be carried out in 2016. A range of measures had been taken in 2013–2014 to improve rural women's access to economic rights, good quality health services, education and resources.

8. Disparities between the number of boys and girls in education persisted. Statistics showed that fewer girls than boys attended school from first to ninth grade, yet there were more girls than boys in school in grades 10 and 11, as a large number of boys transferred to vocational training in order to learn a trade.

Articles 1 to 6

9. **Ms. Ameline** said that, despite the State party's political will in the matter, the Convention was not being implemented fully. She asked what measures were being taken to enhance the visibility of the Convention, in particular to ensure that sufficient attention was given to the Committee's concluding observations. She wished to know how institutional mechanisms such as the national human rights institution and the office of the Ombudsman would be strengthened, and whether steps would be taken to ensure that they were in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). She noted with concern that ethnic, religious and sexual minorities were not equal before the law and she wished to know how that would be rectified. The lack of adequate resources for the implementation of measures to ensure equality was particularly worrying. She asked what measures were being taken to overcome constraints on the implementation of legislation on violence. She asked what role traditional courts had in the legal system and how a hierarchy was maintained between customary and statutory law. While acknowledging that it would take time to remove all discriminatory provisions from the State party's legislation, she would be particularly interested to know whether parliament was ready to amend the Criminal Code, which did not yet contain specific provisions on domestic violence, rape or trafficking in persons.

10. **Ms. Haidar** said that strong national institutional mechanisms had a critical role to play in achieving substantive equality. She was concerned at the fact that the responsibility for gender policy had been shunted around departments, which was not conducive to consistent application. She asked whether the State party would consider establishing a specific ministry for gender affairs. She noted with concern that the Strategy for Sustainable Development did not refer to gender equality. The lack of resources for gathering and publishing gender-disaggregated data, and for conducting gender impact assessments of new legislation, was also worrying. In order for the strategy on gender equality to be properly implemented, adequate financial resources were crucial. She asked what measures would be taken in that regard.

11. **Ms. Beisheeva** (Kyrgyzstan) said that in December 2013 a national coordination council for human rights had been established and constituted one of the most important mechanisms for monitoring the practical measures taken by the Government to meet its obligations under international law. Discrimination was defined in the Act on State Guarantees of Equal Rights and Opportunities for Men and Women. Parliamentarians played an active role in ensuring the gender mainstreaming of legislation. A judicial reform was under way, and it was hoped that sufficient resources and capacity would be available to ensure the full implementation of measures to tackle family violence. A meeting with representatives of the Supreme Court would be held in the coming week to discuss the situation.

12. **Ms. Osmonova** (Kyrgyzstan) said that, in the context of the reform of the judicial system and law enforcement, several pieces of legislation, including the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code, were under review. Much of the legislation in force in Kyrgyzstan had been drafted in the 1990s and required substantial amendment. As well as judicial reform to update legislation, parallel work was being done to improve the functioning of law enforcement and tackle corruption.

13. **Mr. Kuikeev** (Kyrgyzstan) agreed that responsibility for gender equality should not be moved around from ministry to ministry. Decisions would be taken in the near future.

14. **Ms. Beisheeva** (Kyrgyzstan) said that the Government acknowledged that good national strategies on paper were not sufficient: effective implementation was essential. Unfortunately implementation of some aspects of the National Action Plan for Gender Equality 2012–2014, such as the establishment of a computerized monitoring system, had been hampered by a lack of financial resources. It was hoped that the lessons learned from that experience would help ensure the full implementation of the new action plan. Steps were being taken to make legal experts available to advise ministries on gender mainstreaming. A coordinating council for human rights had been established, comprising leaders from national and local government, representatives of NGOs, international partners and trade unions, all of whom had valuable contributions to make in overcoming the difficulties faced in achieving gender equality.

15. **Ms. Ameline** said that to invest in equality was to invest in social, economic and democratic development. Training for judges was essential, since equality could not be achieved without de facto equal access to justice. She asked whether the compensation programme for victims of the inter-ethnic conflict in Kyrgyzstan was being implemented.

16. **Ms. Haidar** said that the National Council on Gender Development did not satisfy the requirement for a central coordinating body as it had a purely advisory role and a subordinate position within a larger ministry. The Council needed to be endowed with greater authority, autonomy, capacity and visibility if it was to fulfil its role as policy-implementation and oversight body effectively.

17. **Ms. Halperin-Kaddari** asked whether the draft law which reportedly established criminal and administrative penalties for persons who voiced positive attitudes towards non- traditional sexual relationships had been passed on its second reading in parliament. In passing legislation which would prohibit public mention of homosexuality and could prevent human rights defenders from addressing violations of LGBT rights, the Government would be moving in entirely the wrong direction.

18. **Ms. Leinarte** asked whether parliament had before it, as had been reported, a draft law which labelled international NGOs as foreign agents, in line with a similar law passed in the Russian Federation.

19. **The Chairperson**, speaking as an expert, asked whether the State party planned to ratify the amendment to article 20, paragraph 1, of the Convention.

20. **Ms. Osmonova** (Kyrgyzstan) said that customary law had in the past been used in elders' (*aksakal*) courts in rural areas but that practices had changed since the adoption of the 2001 law regulating those courts. Following the legislative changes, police officers were permitted to refer to *aksakal* courts only cases related to property or other everyday community disputes that did not carry administrative or criminal penalties. National and international NGOs provided training on international legislation on women's rights, inter alia, to judges and other members of the judiciary, and also to Ministry of the Interior officials.

21. The legislative framework of Kyrgyzstan established equal rights for all and the authorities endeavoured to ensure that all provisions safeguarding the rights of ethnic and

other minorities and providing protection against discrimination were effectively enforced. To support the LGBT community, the Government had run sensitization campaigns and campaigns to prevent the spread of HIV/AIDS, which had been developed with input from LGBT representatives. A new department had been established to protect the rights of sexual minorities, sex workers and persons of different sexual orientations.

22. **Ms. Beisheeva** (Kyrgyzstan) said that she supported Ms. Haidar's observations about the role of the National Council on Gender Development and the need for an independent coordinating body, and would apprise parliament of her recommendation.

23. **Mr. Kuikeev** (Kyrgyzstan) said that there was indeed a draft law on foreign agents in the pipeline but it had not been passed. Civil society opposition had been considerable and the views of NGOs would be taken into account in any further development.

24. **Ms. Beisheeva** (Kyrgyzstan) said the NGO sector made valuable contributions to social development. The authorities were working to build transparency in both the government and non-governmental sector in the hope that misunderstandings could be resolved and obstacles to closer cooperation overcome.

25. **Ms. Zou** Xiaoqiao said that women remained underrepresented in decision-making bodies in spite of legal provisions providing for the use of quotas and requiring the State to correct the gender imbalance in public sector institutions. The huge gap between law and practice was a sign of ineffectual or insufficient monitoring. She would like to know what mechanism was responsible for implementing the temporary special measures mentioned; what measures were envisaged to increase the mechanism's efficacy; and whether the State party planned any campaigns to raise awareness of the meaning and scope of temporary special measures among members of parliament, policymakers and other relevant actors. Noting that most of the measures described in the periodic report as temporary special measures were simply general measures to improve women's status and that temporary special measures did not appear to have been used in education, training or the labour market, she urged the State party to consider introducing temporary special measures in those areas and to fully utilize the measures already established in order to ensure women's full participation in political and public life, reduce gender segregation in education and close the gender gap in employment.

26. **Ms. Nadaraia** asked what the State party had done to address harmful gender stereotypes and promote a positive image of women in the media, as it had been urged to do in the Committee's concluding observations to the previous periodic report (CEDAW/C/KGZ/CO/3). Alternative reports indicated that stereotypes remained deeply entrenched and continued to impede women's development, especially in rural areas. On a more positive note, the introduction of paternity leave was commendable and she would like information about take-up of the new provision.

27. **Ms. Gabr** asked whether the authorities had attempted to engage religious leaders and law enforcement officers in its efforts to combat gender stereotyping; she invited the delegation to explain the content and purpose of article 37 of the Constitution, which dealt with traditions and customs. Noting that the high-profile campaign against domestic violence launched in 2010 appeared to have yielded only limited results, she asked what was being done to address the silence still surrounding domestic violence and the judiciary's reported reluctance to take action in such cases. Information about efforts to eliminate bride abduction — which, she emphasized, was a crime and not a tradition — was also needed. In particular, she wished to know how many girls committed suicide as a result of such practices and whether the proposed amendments to the criminal provisions dealing with kidnapping had been approved.

28. Turning to the issue of trafficking in human beings, she asked whether the Government planned to establish a central body to coordinate the efforts of State entities

and NGOs; what budget was allocated to those efforts; whether there had been any assessment of the level of implementation of anti-trafficking legislation and the related action plan; what assistance and protection was provided to street children and to Kyrgyz migrant workers in the Russian Federation and other countries; and whether allegations of complicity between the authorities and people smugglers were being duly investigated.

29. **Ms. Leinarte** said that, according to alternative sources, prostitutes in Kyrgyzstan experienced widespread violence and discrimination, even at the hands of law enforcement officers. She asked how the State party monitored the situation of those women, who were often forced into prostitution due to a lack of other employment opportunities. She also enquired about the protection and support available to them, noting that access to shelters and medical support, including assistance in the prevention and treatment of HIV/AIDS and other sexually transmitted diseases, was a minimum prerequisite. Lastly, she asked the delegation to clarify the content of paragraph 68 of the periodic report, which appeared to contradict the State party's assertion that its laws contained no provisions that discriminated against workers in the sex industry.

30. **Ms. Beisheeva** (Kyrgyzstan) said that the quota system introduced to promote gender equality in Kyrgyzstan had brought more women into central State bodies including the Supreme Court, the Central Commission for Elections and Referendums and the Auditing Chamber. Three Parliamentary committees were chaired by women but women were still underrepresented in the Cabinet. The quota system had also brought more women into local politics, although the number who stood for election remained far too low.

31. A major national forum to consider women's achievements, the reasons for the regressions in some areas and the goals for future policy would be held in March 2015. In addition to women's participation in political life, issues under the spotlight would include access to stable employment – statistics showed that women tended to work mainly in the informal sector. The Government would also be looking at ways to correct gender imbalances in education, where women accounted for the majority of teachers but the administration was dominated by men.

32. At a recent round-table event for journalists and other media representatives, participants had made a commitment to eliminating gender stereotypes. The authorities would also continue to work with religious leaders and to run awareness-raising campaigns designed to make it clear that Kyrgyzstan was a secular State. Article 37 of the Constitution established State support for traditional practices, but that support was subject to the proviso that the tradition or custom did not violate human rights. Bride abduction, for example, was now regarded as a crime.

33. **Ms. Osmonova** (Kyrgyzstan) said that recent amendments to legislation on domestic violence had introduced the possibility of administrative detention for up to 5 days as a preventive measure. The new measure had been generally positively received as cases of domestic violence were usually classified as administrative offences carrying a fine only, and the fines frequently had no impact on the abuser's behaviour. Domestic violence did, however, constitute a criminal offence when acts of a sexual nature were involved and injury was inflicted. Behaviour that led the victim to attempt or commit suicide was also expressly criminalized.

34. Over 8,000 cases of domestic violence had been reported over the past three years. Over 6,000 restraining orders had been issued in the same period – an increase on previous years not necessarily indicative of increased incidence but certainly indicative of heightened awareness and resolve, and improvements in investigation among law enforcement officials, as well as greater confidence among women. A bill to enhance social protection and the defence of the family would, once passed, further clarify and extend the

roles and responsibilities of all institutions involved in combating domestic violence, including the judiciary.

35. To combat trafficking in human beings, the Government had formulated a national action plan and established an inter-agency working group. The minimum penalty for human trafficking established in the Criminal Code had been raised from 5 to 8 years. Nineteen cases of trafficking had been identified in 2014. Around half had involved trafficking for purposes of sexual or labour exploitation. In the future, preventive efforts would focus on raising awareness of the risk among minors and monitoring the legislative framework supporting preventive, investigative and protective activities.

36. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the medical centres to which victims of domestic violence usually turned in the first instance reported an increasing number of cases every year. In 2013 alone health-care services had registered more than 1,700 cases. All data collected was shared with the law enforcement agencies. A clinical protocol for dealing with victims of sexual violence had been introduced in 2014 and medical professionals around the country were currently receiving training in its application.

37. **Ms. Osmonova** (Kyrgyzstan) said that alleged violations of the rights of sex workers committed by law enforcement officers were promptly investigated and subject to stringent penalties, which might include dismissal, if proven. Prostitution was not a criminal or administrative offence but the illegal operation of brothels carried criminal liability.

38. **Ms. Beisheeva** (Kyrgyzstan) said that the vulnerability to violence and drug dependence that was apparent among sex workers and other disadvantaged population groups was expressly addressed in the new action plan for gender equality currently being drafted. The draft envisaged measures to improve access to justice and employment, inter alia.

39. **Ms. Arocha Dominguez** expressed concern at the practice of making special payments to so-called "heroine mothers" for having had more than 10 children.

40. **Ms. Leinarte** asked whether there were plans to set up a mechanism to monitor violence against women members of the lesbian, bisexual and transgender (LBT) community. She also asked whether there was any public debate in the State party on the question of making domestic violence a public issue that should be dealt with by the police.

41. **Ms. Osmonova** (Kyrgyzstan) said that there was an error in paragraph 68 of the periodic report; penalties had been toughened in order to protect sex workers, including minors.

42. Following an amendment to the Criminal Code, the penalty for the abduction of a minor for the purposes of marriage had been increased significantly. Reporting of cases of bride abduction had increased over the past few years owing to a hardening of public attitudes towards that practice. No records were kept of the number of suicides resulting from cases of bride abduction. As to domestic violence, cases involving bodily harm, rape, murder or any other serious offence were registered by the Ministry of the Interior, which then initiated criminal proceedings.

43. **Ms. Beisheeva** (Kyrgyzstan) said that, in the past, domestic violence had been viewed as a private matter. However, work was currently ongoing to prepare a bill on protection from domestic violence, which provided clarification of the terms and concepts involved and covered the issues of economic violence and threats of domestic violence. The bill determined the obligations of the various competent State bodies working to prevent domestic violence, identified those persons who had the right to appeal to the Ministry of the Interior and established that the courts could issue restraining orders against perpetrators of domestic violence. Amendments to legislation on social care and centres for

victims of domestic violence were being prepared. Information on the prevention of domestic violence and on the relevant legislation had been posted on the website of the Ministry of the Interior. Leaflets intended to raise awareness of domestic violence had been distributed across the country.

44. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that a study carried out in 2012 had highlighted the fact that domestic violence was widespread in the State party. The Government and relevant NGOs had discussed the study and programmes were being devised to tackle the issue.

45. As to the stereotyping of women as mothers, women were encouraged to take care of their children properly, rather than have large families. A number of measures had been taken to ensure that mothers and children received free health care and pregnant women received certain benefits In 2014, a decree had been adopted facilitating registration with local physicians for women and children up to the age of 5.

46. **Mr. Kuikeev** (Kyrgyzstan) said that "heroine mothers", of whom there were very few, were not paid incentives to have more children but rather received child benefit payments. In addition, a large number of low-income families received benefit payments, which the Government intended to increase.

Articles 7 to 9

47. **The Chairperson**, speaking as an expert, asked how the State party analysed the causes of the decline in women's participation in politics, what the obstacles to participation were and why the Government's policy on gender equality and the equal participation of women in politics had not been successful. She asked what, in the State party's view, constituted a legally established mechanism for the advancement of gender equality in politics; what the rules on the representation of women in senior bodies in political parties were; and how the State party intended to improve the current quota system and strengthen its temporary special measures in that regard. According to alternative sources, political parties often nominated women candidates on the basis of their financial resources or family background. Moreover, the Committee had also received information on escalating violence against NGOs. She asked for the delegation's views on those issues. The number of women working in the diplomatic service was low; she asked for updated information on that issue and on any steps taken by the State party to promote women's participation in that field.

48. **Ms. Beisheeva** (Kyrgyzstan) said that the Government had discussed the issue of gender parity within the governing bodies of the political parties. Proposals on gender equality mechanisms, quotas and parity within the electoral process had been made and a working group was considering a number of measures that might be implemented in the future. As to women diplomats, the Government had been unable to fill the relevant quota but had made a number of recommendations to the Ministry of Foreign Affairs.

49. She said that women faced the problem of balancing work and family life and often had to put their professional lives to one side in order to care for their children. Women could not fully enjoy their political rights unless they were financially independent. The Government had designed measures to promote the economic rights of women. It was working with an NGO to teach rural women about participation in the political process. Training was also provided to women leaders, a media-based awareness-raising campaign on women's participation in politics had been launched and public debates on the issue had been held.

Articles 10 to 14

50. **Ms. Zou** Xiaoqiao welcomed the progress made by the State party in tackling the gender gap in education, and the adoption of the Strategy for Educational Development in the Kyrgyz Republic for 2012–2020. However, according to information received, children from ethnic minorities were at risk of exclusion from education and children in rural areas, particularly girls, had difficulty accessing education. She asked what was being done to address those issues.

51. She asked whether the Strategy for Educational Development established specific objectives relating to access to education for girls living in rural areas and girls from ethnic minorities, and requested clarification of the statement in the State party's report to the effect that 827 girls had not attended school in the 2011/12 academic year. Had the girls never attended school or had they simply dropped out of education? There was a need to strengthen efforts in terms of the collection of data disaggregated by sex, ethnic origin and geographic location.

52. She asked whether any measures had been introduced to address gender segregation in vocational and higher education and in the labour market. Furthermore, she asked whether there were any programmes that provided girls and women with counselling on non-traditional career paths. She requested information on sexual and reproductive health education for girls and asked whether all school curricula contained a component on healthy lifestyles.

53. **Mr. Bruun** asked how the State party intended to improve the situation of women in the informal sector, particularly in terms of rights to maternity leave and benefits. He suggested updating the legislation on domestic labour to bring it into line with the Convention. He asked whether the State party intended to ratify International Labour Organization (ILO) Convention No. 189 concerning decent work for domestic workers. Existing legislation on gender equality should be revised to cover the right to equal pay for work of equal value and indirect discrimination. He asked whether sexual harassment in the workplace was clearly prohibited in the State party and how cases were dealt with. He expressed concern at the impact of legislation restricting women's rights in terms of night work and overtime; such laws should also apply to men.

54. **Ms. Arocha Domínguez** asked how, given the lack of resources and trained personnel in the health sector, the State party intended to improve reproductive health services and further reduce maternal mortality rates in rural areas. The rate of infant mortality was very high in the State party and she asked whether any studies had been carried out on the probable link between infant mortality, early marriage and early pregnancy.

55. She asked how the State party intended to provide services to tackle sexually transmitted infections and speed up the distribution of contraceptives, particularly among vulnerable groups such as sex workers. She asked whether there were any emerging programmes for the early detection of breast and cervical cancer.

56. **Ms. Beisheeva** (Kyrgyzstan) said there were programmes in place to encourage young men and women to take up non-traditional employment and quotas for young persons had been set in the teaching sector. The Ministry of Education had taken steps to introduce a gender equality component into school curricula. Data would be collected on girls not enrolled in school and the reasons why.

57. Discrimination in employment was prohibited under the Labour Code. Work was under way to improve opportunities for women and there were laws in place which made provision for parental leave. Women had access to unemployment benefit, training and

retraining. A study on the legalization of the informal sector had been carried out and that issue would be discussed in ILO.

58. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that classes on the importance of a healthy lifestyle had been provided to schoolchildren in a number of districts and a programme on issues such as early pregnancy and drug addiction had been launched in schools.

The meeting rose at 1 p.m.